GUIDELINES FOR THE IMPLEMENTATION OF THE POLLUTION PREVENTION PLANNING PROVISIONS OF PART 4 OF THE *CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999* (CEPA 1999)

NATIONAL OFFICE OF POLLUTION PREVENTION
ENVIRONMENT CANADA

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PREFACE

Part 4 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) gives the Minister of the Environment the authority to require the preparation and implementation of pollution prevention plans (P2 plans) for CEPA-toxic substances (substances that have been added to Schedule 1 of CEPA).

CEPA 1999 contains other P2 planning provisions. Part 7 authorizes the Minister to require P2 plans in some circumstances for Canadian sources of international air and international water pollution. Part 9 (section 209(1)(b)) authorizes the Governor-in-Council to make regulations respecting P2 planning by federal government operations. Part 10 (section 291(1)(c)) authorizes a judge to require anyone in violation of CEPA 1999 to prepare and implement a P2 plan. In addition, Part 5 authorizes the Minister to require the preparation and submission of "virtual elimination plans" for substances designated for virtual elimination because they are persistent, bioaccumulative and toxic.

Section 62 under Part 4 of CEPA 1999 commits the Minister of the Environment to develop and consult on guidelines respecting the circumstances under which P2 planning is appropriate. These guidelines were developed for and refined through the public consultation process. **Please note these guidelines only address P2 planning under Part 4.**

As experience is gained through use of these provisions, this document may be revised from time to time.

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1.0 SUMMARY OF CEPA 1999'S POLLUTION PREVENTION PLANNING PROVISIONS UNDER PART 4

Part 4 of CEPA 1999 gives the Minister of the Environment the authority to require the preparation and implementation of pollution prevention (P2) plans for CEPA-toxic substances (substances on Schedule 1 of CEPA, the List of Toxic Substances).

The Minister will require the preparation and implementation of P2 plans by issuing *Canada Gazette* notices under section 56. These notices may specify who will be required to prepare and implement a P2 plan, what factors are to be considered in preparing the plan, the time limits for preparing and implementing plans, and any administrative matter necessary for the purposes of this Part of the Act.

The Minister will require the submission by affected persons of two formal declarations: a declaration of preparation of the plan and a declaration that the plan has been implemented. The content of these declarations will be prescribed in the section 56 *Gazette* Notice. The Minister also has the authority to require submission of all or parts of the Pollution Prevention Plans for the purpose of determining and assessing prevention and control actions in respect of a substance or group of substances.

Persons who have prepared P2 plans for another purpose (i.e., pursuant to a legal obligation or voluntarily) may be able to use those plans to satisfy some or all of the CEPA 1999 requirements. However, declarations of preparation and implementation will be required from all persons identified in the section 56 Notice.

The Act provides significant penalties for not complying with the provisions of CEPA or for providing false or misleading information. Penalties are described in sections 272 and 273 and include fines or imprisonment or both.

Appendix 1 contains the text of CEPA 1999 provisions relative to Pollution Prevention Planning under Part 4.

2.0 VISION FOR CEPA 1999 PART 4

The federal government defines pollution prevention as "the use of processes, practices, materials, products, substances or energy that avoid or minimize the creation of pollutants and waste, and reduce the overall risk to the environment or human health."

Pollution prevention is a priority for Environment Canada. As section 90(1.1) of CEPA 1999 stipulates, the Minister will give priority to pollution prevention

actions in developing proposed regulations or instruments respecting preventive or control actions in relation to CEPA-toxic substances.

Accordingly, Environment Canada will require P2 plans under Part 4 in order to:

- generate action that will contribute to the effectiveness and efficiency of the management of CEPA-toxic substances and reduce overall risk to the environment and human health;
- provide an early opportunity to develop and implement situation-specific solutions; and
- encourage pollution prevention.

Implementation of the P2 planning provisions could minimize the need for additional regulatory or other government interventions to manage the risks to the environment and human health associated with CEPA-toxic substances.

3.0 SCOPE OF APPLICATION

It is recognized that P2 plans are one of several instruments that can be used to initiate the preventive and control actions prescribed by CEPA 1999. The Minister of the Environment retains the authority to use the full range of options from regulations, through P2 plans to guidelines, standards and non-legislative initiatives. The anticipated increase in the number of substances identified as CEPA-toxic combined with the strict legislated timelines required by CEPA 1999 to manage the risks associated with these toxic substances will demand the selection of the most efficient and effective risk management options. It is expected that P2 planning will be used extensively, where it is the most appropriate instrument.

In order to manage the risks from all significant sources of specific CEPA-toxic substances, P2 planning may be used as a stand alone instrument or in combination with other instruments, as appropriate.

Part 4 provides the Minister with a new authority that did not exist under CEPA 1988. Therefore, the application of these provisions distinguishes between substances that were placed on Schedule 1 under CEPA 1988 (many of which have already been regulated) and those that will be added to Schedule 1 under CEPA 1999.

Substances That Were Added To Schedule 1 Under CEPA 1988

For substances already on Schedule 1 (i.e., placed there under CEPA 1988), the Minister will consider requiring P2 plans where risk management gaps are identified.

For example, the Minister may require P2 plans for substances already on Schedule 1 for which:

- the regulation or other instrument that is in place does not address all of the relevant environmental and human health risks associated with the toxic substance;
- the regulation or other instrument that is in place has not achieved, and is unlikely to achieve, the intended environmental result;
- there is no regulation or other prevention or control instrument in place and no immediate plans to implement one; or
- the Minister receives new information about risks that are inadequately addressed by existing instruments.

Substances Added to Schedule 1 Under CEPA 1999

For substances added to Schedule 1 under CEPA 1999, a determination of the most appropriate instrument or set of instruments to effect preventive and control actions for CEPA-toxic substances will be made. The pollution prevention planning provisions in Part 4 of CEPA 1999 as well as other prevention and control instruments can be used to implement reductions in the use and release of toxic substances occurring as byproducts, as contaminants in products, as products and in other circumstances.

The Minister may issue the requirement to prepare and implement P2 plans for a single substance or for groups of substances. Note that the Minister can consider requiring P2 plans for either Track 1 (i.e., those substances that are persistent, bioaccumulative and toxic) or Track 2 substances.

Who Will be Required to Prepare and Implement P2 Plans Under Part 4?

Once the decision to use the P2 planning authority for a specific CEPA-toxic substance is made, the Minister will identify those who will be required to prepare and implement P2 plans.

The identification of a person or class of person required to prepare and implement P2 plans will consider the nature of risks associated with each substance and the circumstances surrounding the risk. For example, where the environmental and human health risks associated with the substance relate primarily to industrial releases, the Minister may require plans primarily from industrial sources. Where the risks relate primarily to the use of the substance as a commercial product or products, the Minister may require plans primarily from the producers or primary distributors of the product(s).

The section 56 Notice can identify a person or class of persons who will be required to prepare and implement a plan in a number of ways, including by referring to:

- those commercial, manufacturing, processing or other users and sources of the CEPA-toxic substance in question who meet the reporting threshold[1] established for that substance; and

- those other commercial, manufacturing, processing or other users and sources of the CEPA-toxic substance in question which the Minister is satisfied contribute sufficiently to risks to the environment or human health.

There will be instances, however, where it will be appropriate to identify specific persons or facilities in the section 56 Notice.

Unless otherwise stated, the requirement will be for the preparation and implementation of facility-specific plans, not for company-wide or sectoral ones.

When persons are participating in non-regulatory programs that will achieve equivalent environmental results for the same CEPA-toxic substances, as expressed by the risk management objective and timelines in the section 56 *Gazette* Notice, the Minister will consider not requiring them to prepare and implement P2 plans under Part 4.

In such cases, these persons or classes of persons would either not be included in the section 56 *Gazette* Notice or be specifically identified in the Notice as not being subject to the requirement.

Criteria that could be taken into consideration in making such decisions would include, for example:

- whether the non-regulatory programs meet the criteria identified in Environment Canada's Policy for Environmental Performance Agreements[2];
- the environmental compliance record of participating companies; and/or
- the environmental performance of participating companies.

Application to Sources of International Air and Water Pollution

Under Part 7 (sections 166(3) and 176(3)), where the Ministers of the Environment and Health have reason to believe that a substance released from a

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[1] A reporting threshold for a given substance would normally be a number stipulating the volume or mass manufactured, processed or otherwise used or released by an affected party over a specified period of time of the substance.

[2] The criteria and principles for the use of non-regulatory initiatives to achieve risk management objectives identified in Environment Canada's Policy for Environmental Performance Agreements include: clear objectives and measurable targets; clearly defined roles and responsibilities; public participation; public reporting; incentives and consequences; verification of results; regulatory backstop; continuous improvement.

source in Canada creates, or may reasonably be anticipated to contribute to international air or water pollution, and that the provincial, territorial or Aboriginal government having law-making authority over the source cannot prevent, control or correct the pollution under its laws or does not do so, the Minister of the Environment may require a P2 plan under the provisions of Part 4, on approval by the Governor-in-Council. With this approval, P2 plans would be initiated through Part 4.

Plans Prepared or Implemented for Another Purpose

P2 plans prepared for another purpose may be used to satisfy the requirements of a section 56 Notice. Where a plan prepared or implemented for another purpose does not address all of the requirements of the section 56 Notice, the person shall either amend the plan or prepare a new one. It is the responsibility of the persons identified in the section 56 Notice to determine if the plan meets the requirements of the Notice.

Persons identified in a section 56 Notice who wish to use a plan prepared for another purpose must submit both section 58 declarations (see part 6.0 of this document) within the timelines specified in the section 56 Notice.

4.0 PROCESS FOR REQUIRING PLANS

Section 56 Notices

Once the Governor-in-Council has added a substance to Schedule 1 (the CEPA List of Toxic Substances), where P2 plans are the risk management instrument of choice, the Minister will issue *Canada Gazette* notices to require P2 plans.

These notices will be published in the *Canada Gazette* Part 1, will be posted on the CEPA Environmental Registry, and may be mailed-out as appropriate to affected persons and/or their associations.

Section 56(2) states that these notices may specify:

a) the substance or group of substances in relation to which the plan is to be prepared;
b) the commercial, manufacturing, processing or other activity in relation to which the plan is to be prepared;
c) the factors to be considered in preparing the plan;
d) the period within which the plan is to be prepared;
e) the period within which the plan is to be implemented; and
f) any administrative matter necessary for the purposes of this Part.

Appendix 2 contains an example of a section 56 *Canada Gazette* Part 1 Notice. This example of a Notice will be modified, as appropriate, on a case-by-case basis.

Factors to Consider

"Factors to consider" will include, among other things, risk management objectives.[3] These objectives will be based on the risk assessment undertaken for the substance, and may take a variety of forms depending on the circumstances. They may range from specific performance standards[4] to more general objectives related to life-cycle management of toxic substances. In all cases, they will be guided by the overall objectives articulated in the *Toxic Substances Management Policy*:

- Virtual elimination from the environment of toxic substances that result predominantly from human activity and that are persistent and bioaccumulative (Track 1 substances); and
- Management of other toxic substances and s' tances of concern throughout their entire life-cycles, to prevent . ninimize their release into the environment (Track 2 substances).

In the case of Track 1 substances for which a P2 plan is required, reference will be made to the release limits prescribed under section 65(3), and the level(s) of quantification (LOQ) established for those substances.

Where risk management objectives are articulated as "factors to consider," affected persons must prepare a plan and report on how their plan has considered those factors. The section 56 Notice does not impose a legal obligation to meet these risk management objectives. However, where the Minister intends to make the achievement of specific performance standards for pollution prevention plans mandatory, the Minister will do so by putting the standards in a regulation and referring to the regulation in the section 56 Notice.

Other examples of "factors to consider" which could be referenced in a section 56 Notice include the environmental and human health risks associated with the specific CEPA-toxic substance, currently available technologies or pollution prevention practices, and/or the regulatory backstop planned for the CEPA-toxic substance.

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[3] "Risk management objectives" refer to the desired environmental aim, goal or outcome relevant to the reduction of the risks to the environment and human health from a CEPA-toxic substance.

[4] "Performance standard" refers to the specific outcome that is intended to result from the actions of the affected party(ies). A performance standard will not prescribe how the outcome is to be achieved. It may be expressed in various ways, including, for example: percent or absolute reduction of use or release levels; absolute use or release levels; use or release levels as a percent of overall production levels, etc.

Waiver of "Factors to Consider"

Section 56(5) authorizes the Minister, upon written request by any person to whom a notice is directed, to waive the requirement to consider a factor specified under paragraph 2(c) of a Notice where the Minister is of the opinion that it is not reasonable or practicable for the person to consider the factor.

Both the request for the waiver and the Minister's response will be placed on the CEPA Registry.

Appendix 3 contains an example of a form for requesting such a waiver.

Opportunities for Consultation and Comment

The Minister will involve stakeholders as early as possible in the overall process of determining how to manage specific CEPA-toxic substances. During this process, stakeholders may participate in the determination of: who should be required to prepare and implement P2 plans; appropriate factors to be considered in preparing such plans; and the time period allocated for preparing or implementing such plans.

The Minister intends to publish in the *Canada Gazette* Part 1 a copy of each proposed section 56 Notice, to allow a 60-day comment period before issuing the final section 56 *Canada Gazette* Part 1 Notice.

It is expected that stakeholders will use this 60-day period to comment on who should be required to develop P2 plans, appropriate factors to be considered in preparing such plans, and the time period allocated for preparing or implementing the plans.

All affected and concerned persons must be cognizant of the legislative timelines prescribed by CEPA 1999 (section 91(1)) requiring that "a proposed regulation or instrument respecting preventive or control actions in relation to a substance shall be published by the Minister in the *Canada Gazette* within two years."

5.0 POLLUTION PREVENTION PLANNING REQUIREMENTS

Time Period for Preparing or Implementing Pollution Prevention Plans

The section 56 Notice will specify the time period within which the plan is to be prepared. Generally, 6 months will be allowed for the preparation of P2 plans.

The section 56 Notice will also specify the time period within which the plan is to be implemented. The length of time that would be provided will vary on a substance by substance basis, as appropriate.

Section 56(3) authorizes the Minister, upon written request from the affected person, to extend for a person the period of time to prepare or implement a plan where the Minister is of the opinion that further time is necessary. Appendix 4 contains examples of forms for applying for extensions.

Content of Pollution Prevention Plans

The section 56 Notices will not prescribe the form of P2 plans. Affected persons may prepare a plan in the form which makes most sense for their organization, so long as the plan:

- addresses the "factors to consider" identified in the section 56 Notice;
- complies with the timelines in the Notice; and
- contains the information required to complete the Declarations of Preparation and Implementation (see below).

The Minister will issue one or more model P2 plans ***for guidance purposes only***. These model plans will indicate that, in order to be most effective, P2 plans could be expected to contain the following elements:

- a senior-level sign-off;
- the designation of an accountable senior manager for the plan;
- a clear statement of the risk management (and other) objectives for the plan;
- a schedule for meeting those objectives;
- a review of all significant aspects of the management of the substance (including purchasing, processing, producing, generating, distributing, treating, disposing, storing, or releasing of the substance);
- an identification, review and selection of options;
- a plan and schedule for implementing the selected options;
- a plan for measuring, tracking and evaluating the success of the selected options and for implementing corrective and preventative measures;
- a plan for reporting on progress toward the plan's objectives; and
- a continual improvement program.

6.0 ACCOUNTABILITY

Section 58 Declarations

These declarations are required for the purpose of enabling the Minister to evaluate the extent to which P2 plans are contributing to the achievement of the relevant objectives for reducing risks to the environment and human health from CEPA-toxic substances.

Persons required to prepare a P2 plan must submit two types of declarations to the Minister:

- ***Declaration of Preparation***: within 30 days after the end of the period provided to prepare the plan, a declaration indicating that the plan has been prepared and is being implemented; and

- ***Declaration of Implementation***: within 30 days after the end of the period provided to implement the plan, a declaration indicating that the implementation of the plan has been completed.

In addition, if any of the information contained in either of these declarations subsequently becomes false or misleading, an ***amended declaration*** must be filed within 30 days after that time. This requirement would apply, for example, where the person learns that the anticipated results or timelines identified in the Declaration of Preparation are inaccurate. It would also apply to any changes regarding the identification of the facility, ownership, responsible manager, etc.

Declarations of Preparation

The purpose of this declaration is to inform the Minister that affected persons have prepared and are implementing a P2 plan in accordance with the section 56 Notice, and to report on what actions will be implemented and what results are expected to be achieved.

The Minister has the authority, under section 58(4), to specify in the section 56 Notice, or otherwise, the form and information required in these declarations. **The precise content of this declaration will be specified in each section 56 Notice.** In most cases, the completed declaration will describe:

- basic facility information (company and facility name, contact information, etc.);
- environmental baseline information (a description of current use, distribution and release against which future results can be compared);
- the anticipated results of implementing the plans (as compared to the section 56 Notice objectives);

- when the results will be attained;
- the nature of the pollution prevention or other measures chosen; and,
- the monitoring, measuring, and progress reporting elements of the plan.

Each declaration must be signed by an authorized official[5] in the affected organization (to be defined in the section 56 Notice).

Appendix 5 provides a proposed template for these declarations. This form presents an example of the range and type of information that may be required to be provided in section 58 declarations of preparation.

The template has been designed using the National Pollutant Release Inventory (NPRI) reporting requirements as a model. In some cases, it may be appropriate to use data reported to NPRI to meet the information requirements of the section 58 declarations, i.e., when the specific CEPA-toxic substance is listed as an NPRI substance, when the reporting thresholds are the same, and when the reporting period is the same. It is up to the person required to prepare the P2 plan and the declaration to determine the appropriate use of NPRI data.

This form will be modified, as appropriate, on a case-by-case basis, to ensure that information relevant to the management of risks from the CEPA-toxic substance(s) in question is gathered. This form may be modified based on the nature of the CEPA-toxic substance(s) in question (industrial release or commercial product), and the federal government's risk management objective for each substance (e.g., use or release based).

Declarations of Implementation

The purpose of this declaration is to inform the Minister that the plan has been implemented in accordance with the requirements set out in the section 56 Notice, and to report on results achieved.

The Minister has the authority, under section 58(4), to specify in the section 56 Notice or otherwise the form and information required in these declarations. **The precise content of this declaration will be specified in each section 56 Notice.** In most cases, the completed declaration will describe:

- basic facility information (company and facility name, contact information, etc.);
- environmental baseline information (a description of use, distribution, and release after P2 plan has been implemented);
- the nature of the measures implemented;
- the results achieved; and,
- the monitoring, measuring and reporting measures implemented.

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[5] 'authorized official' means, for example: in respect of a corporation, an officer of the corporation who is authorized to act on its behalf.

Each declaration must be signed by an authorized official in the affected organization.

Appendix 5 provides a proposed template for these declarations. This form presents an example of the range and type of information that may be required to be provided in section 58 declarations of preparation.

The template has been designed using the National Pollutant Release Inventory (NPRI) reporting requirements as a model. In some cases, it may be appropriate to use data reported to NPRI to meet the information requirements of the section 58 declarations, i.e., when the specific CEPA-toxic substance is listed as an NPRI substance, when the reporting thresholds are the same, and when the reporting period is the same. It is up to the person required to prepare the P2 plan and the declaration to determine the appropriate use of NPRI data.

This form will be modified, as appropriate, on a case-by-case basis, to ensure that information relevant to the management of risks from the CEPA-toxic substance(s) in question is gathered. This form may be modified based on the nature of the CEPA-toxic substance(s) in question (industrial release or commercial product), and the federal government's risk management objective for each substance (e.g., use or release based).

Interim Progress Reports

In some cases, the Minister may require interim progress reports on a regular basis (e.g., each year) under section 56(2)(f). The purpose of these reports is to inform the Minister about the progress affected persons are making under their plans on a regular basis.

Examples of instances where interim progress reports may be required include cases where:

- a long period of time is granted for the implementation of P2 plans;
- the CEPA-toxic substance for which P2 plans are being prepared and implemented is not listed on the NPRI;
- the facility(ies) required to prepare P2 plan(s) does(do) not meet the NPRI reporting criteria; and/or
- the reporting threshold to trigger the preparation and implementation of P2 plans is lower than the reporting threshold for the NPRI.

The precise schedule for and content of these reports will be specified in the section 56 Notice. In most cases, they will:

- describe the nature of the measures implemented to date;
- describe the monitoring, measuring and reporting measures implemented to date; and

- compare the results to date with the results predicted in the section 58 Declaration of Preparation.

Each report must be signed by an authorized official in the affected organization (to be defined in the section 56 Notice).

Appendix 6 provides a proposed template for these reports. This form presents an example of the range and type of information that may be required to be provided in interim progress reports. This form will be modified, as appropriate, on a case-by-case basis, to ensure that information relevant to the management of risks from the CEPA-toxic substance(s) in question is gathered.

Submission of Pollution Prevention Plans under Section 60

Section 60(1) authorizes the Minister to require the submission of part or all of a P2 plan for the purposes of determining and assessing preventive or control actions. Instances where the Minister may invoke this authority include cases where an analysis of declarations of preparation or of interim progress reports indicate that the federal government's stated risk management objective will not be achieved and further risk management measures may be necessary.

Requests by Enforcement Officers or Enforcement Analysts to See Plans

Affected persons must keep a copy of any P2 plan prepared under Part 4 at the place for which the plan has been prepared.

These plans must be easily identifiable and accessible, and refer to the reference number of the section 56 *Canada Gazette* Notice under which they have been prepared, or for which they are being used to meet the requirements under CEPA 1999 Part 4.

Enforcement Officers or Enforcement Analysts may request access to these plans (under section 227(b)) in order to confirm that they have been prepared and are being implemented in accordance with the section 58 declarations that have been filed. Enforcement Officers may do so at facilities targeted for other inspections or investigations or on a random basis.

Enforcement Officers will not review or judge the adequacy of P2 plans. The Environment Canada manager leading the risk management program for given CEPA-toxic substances will judge the adequacy of the results to be obtained through the analysis of section 58 declarations.

7.0 PUBLIC ACCESS TO POLLUTION PREVENTION PLANS, DECLARATIONS AND RELATED FORMS

Posting of Information

Environment Canada will post on the Green Lane and on the CEPA Registry all:

- section 56 Notices published in the *Canada Gazette*;
- section 58 declarations submitted to the Minister;
- interim progress reports submitted to the Minister; and
- requests for time extensions and for waivers of factors to consider, together with the Minister's responses.

Both the Green Lane and the CEPA Registry are Internet-based and publicly accessible. The CEPA Registry is a comprehensive on-line source of public information relating to activities under CEPA. The Registry contains factual information about CEPA-related activities and provides a source of current information on CEPA instruments and a directory of consultation opportunities and contacts. It will also enable the public to monitor proposed Regulations and Orders from their initial publication in Part 1 of the *Canada Gazette* through public consultations and their final publication in Part 2 of the *Canada Gazette*.

Public Access to Plans Submitted Under Section 60

The Minister will not post any plans submitted under section 60. However, all information submitted under section 60 will be subject to requests for public disclosure under the *Access to Information Act*.

Confidential Business Information

It is anticipated that affected persons should be able to provide the information requested in the declarations and the interim progress reports without divulging confidential information.

In any event, all persons submitting information to the Minister are entitled to submit a request under section 313 that specific information be treated as confidential.

All such requests will be reviewed under the provisions of sections 315 to 321 of CEPA 1999 and section 20 of the *Access to Information Act* (ATIA).

The following excerpt from the ATIA provides guidance as to the type of third-party information which *might* be considered confidential business information:

20(1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains:

(a) trade secrets of a third party;
(b) financial, commercial, scientific or technical information supplied to a government institution by a third party and is treated consistently in a confidential manner by a third party;
(c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party;
(d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

Note that sections 315 to 321 of CEPA 1999 authorize the Minister of the Environment to release information covered by section 20(1) of the ATIA in some circumstances.

8.0 CONCLUSION

The pollution prevention planning provisions of CEPA 1999 provide a new authority for the Minister of the Environment to use a more flexible instrument for the management of risks to the environment and human health associated with toxic substances.

It is expected that the creativity and innovation of those affected and concerned will promote the rapid improvement of overall environmental performance and awareness in Canada.

APPENDIX 1: CEPA 1999 PROVISIONS

PART 4
POLLUTION PREVENTION

Pollution Prevention Plans

Requirement for pollution prevention plans
56. (1) The Minister may, at any time, publish in the *Canada Gazette* and in any other manner that the Minister considers appropriate a notice requiring any person or class of persons described in the notice to prepare and implement a pollution prevention plan in respect of a substance or group of substances specified on the List of Toxic Substances in Schedule 1, or to which subsection 166(1) or 176(1) applies.

Contents of notice
(2) The notice may specify

(a) the substance or group of substances in relation to which the plan is to be prepared;
(b) the commercial, manufacturing, processing or other activity in relation to which the plan is to be prepared;
(c) the factors to be considered in preparing the plan;
(d) the period within which the plan is to be prepared;
(e) the period within which the plan is to be implemented; and
(f) any administrative matter necessary for the purposes of this Part.

Extension of time
3) Where the Minister is of the opinion that further time is necessary to prepare or implement the plan, the Minister may extend the period for a person who submits a written request before the expiry of the period referred to in the notice or of any extended period.

Publication of notice of extension
(4) The Minister shall publish in the *Canada Gazette* and in any other manner that the Minister considers appropriate a notice stating the name of any person for whom an extension is granted, whether the extension is for the preparation or implementation of the plan, and the duration of the period of the extension.

Application for waiver
(5) On a written request submitted by any person to whom a notice under subsection (1) is directed, the Minister may waive the requirement for that person to consider a factor specified under paragraph (2)(c) where the Minister is of the opinion that it is not reasonable or practicable to consider the factor on the basis of reasons provided in the request.

Plan prepared or implemented for another purpose

57. (1) Subject to subsection (2), where a person who is required to prepare or implement a pollution prevention plan under a notice published under section 56 has prepared or implemented a plan in respect of pollution prevention on a voluntary basis or for another government or under another Act of Parliament that meets all or some of the requirements of the notice, the person may use that plan for the purposes of meeting the requirements of this Part and, in that case, the plan shall be considered to be a pollution prevention plan that has been prepared or implemented under this Part.

Where partial requirements met

(2) Where a person uses a plan under subsection (1) that does not meet all of the requirements of the notice, the person shall

(a) amend the plan so that it meets all of those requirements; or

(b) prepare an additional pollution prevention plan that meets the remainder of those requirements.

Declaration of preparation

58. (1) Every person who is required to prepare a pollution prevention plan under section 56 or 291 or under an agreement in respect of environmental protection alternative measures shall file, within 30 days after the end of the period for the preparation of the plan specified in the notice referred to in subsection 56(1) or extended under subsection 56(3), or specified by the court under section 291 or in the agreement, as the case may be, a written declaration to the Minister that the plan has been prepared and is being implemented.

Declaration of implementation

(2) Every person who is required to implement a pollution prevention plan under section 56 or 291 or under an agreement in respect of environmental protection alternative measures shall file, within 30 days after the completion of the implementation of the plan, a written declaration to the Minister that the implementation of the plan has been completed.

Filing of amended declaration

(3) Where a person has filed a declaration under subsection (1) or (2) and the declaration contains information that, at any time after the filing, has become false or misleading, that person shall file an amended declaration to the Minister within 30 days after that time.

Form of declaration

(4) A declaration referred to in subsection (1), (2) or (3) shall be filed in the form and manner and contain the information specified by the Minister.

Requirement to keep plan
59. Every person who is required to prepare a pollution prevention plan under section 56 or 291 or under an agreement in respect of environmental protection alternative measures shall keep a copy of the plan at the place in Canada in relation to which the plan is prepared.

Requirement to submit certain plans
60. (1) The Minister may publish in the *Canada Gazette* and in any other manner that the Minister considers appropriate a notice requiring any person or class of persons described in the notice who are required to prepare and implement a pollution prevention plan under section 56 to submit, within the period specified by the Minister, the plan or any part of the plan for the purpose of determining and assessing preventive or control actions in respect of a substance or group of substances.

Submission of plans required by court or agreement
(2) The Minister may publish in the *Canada Gazette* and in any other manner that the Minister considers appropriate a notice requiring any person or class of persons described in the notice who are required to prepare and implement a pollution prevention plan under section 291 or under an agreement in respect of environmental protection alternative measures to submit, within the period specified by the Minister, the plan or any part of the plan.

Model Plans and Guidelines

Model plans
61. For the purpose of providing guidance in the preparation of a pollution prevention plan, the Minister may publish in the *Canada Gazette* or in any other manner that the Minister considers appropriate a model pollution prevention plan or a notice stating where a copy of the plan may be obtained.

Guidelines
62. (1) The Minister shall, with particular consideration of paragraph 2(1)(m), develop guidelines respecting the circumstances in which and the conditions under which pollution prevention planning is appropriate.

Consultation
(2) In carrying out the duties under subsection (1), the Minister shall offer to consult with the government of a province and the members of the Committee who are representatives of aboriginal governments and may consult with a government department or agency, aboriginal people, representatives of industry and labour and municipal authorities or with persons interested in the quality of the environment.

Minister may act
(3) At any time after the 60th day following the day on which the Minister offers to consult in accordance with subsection (2), the Minister may act under subsection (1) if the offer to consult is not accepted by the government of a province or members of the Committee who are representatives of aboriginal governments.

Other Initiatives

Information clearinghouse
63. (1) The Minister may, for the purposes of encouraging and facilitating pollution prevention, establish and maintain a national pollution prevention information clearinghouse in order to collect, exchange and distribute information relating to pollution prevention.

Recognition program
(2) The Minister may establish a program to publicly recognize significant achievements in the area of pollution prevention.

Cooperation with other bodies
(3) The Minister may, in exercising the powers conferred by subsections (1) and (2) act alone or in cooperation with any government in Canada or government of a foreign state or any of its institutions or any person.

APPENDIX 2: EXAMPLE OF A SECTION 56 *CANADA GAZETTE* PART 1 NOTICE

CANADIAN ENVIRONMENTAL PROTECTION ACT

Notice is hereby given that, pursuant to the provisions of Part 4 of the *Canadian Environmental Protection Act, 1999*, the persons or classes of persons described in paragraph 1 of this Notice shall prepare and implement a pollution prevention plan in respect of [***name the substance or substances and CAS numbers***], which is [are] specified on the List of Toxic Substances in Schedule 1 of the *Canadian Environmental Protection Act*.

1. *Persons or classes of persons (Note: this is the language in section 56) required to prepare pollution prevention plans:* [***typically will specify persons required to prepare plans by referring to activities such as manufacture, use, sale, distribution and release of the substance in question, rather than by naming individual companies***].

2. *The commercial, manufacturing, processing or other activity in relation to which the plan is to be prepared.*

3. *Factors to consider in preparing the plans:* [***state the objectives for the plans and any other factors considered relevant or necessary to consider (e.g., best available technologies or pollution prevention practices)***].

4. *Period within which the plan is to be prepared:* The plan shall be prepared within [***time period to be specified; it will usually be six months***] of the date of this Notice.

5. *Period within which the plan is to be implemented:* The plan shall be implemented within [***specify time***] months/years of the date of this Notice.

6. *Content of plans:* Although persons preparing plans may determine the appropriate content of their own plans, each plan prepared under this Notice must address all the elements of this *Gazette* Notice and contain the information to be submitted in the Declarations. Persons should also consider the Model Pollution Prevention Plan issued for guidance purposes under Part 4 of CEPA 1999, which can be obtained from the Canadian Pollution Prevention Information Clearinghouse, the CEPA Registry, and Environment Canada's regional offices [***also refer to any other relevant guidelines, as appropriate***].

7. *Declaration of preparation:* Every person identified in paragraph 1 of this Notice shall complete and file, within 30 days after the end of the period for the preparation of the plan specified in paragraph 4 of this Notice, a *Declaration that a Pollution Prevention Plan Has Been Prepared and is Being Implemented* in the form attached. Forms for these declarations are also available from [***insert appropriate coordinates such as web address***].

8. *Declaration of implementation:* Every person identified in paragraph 1 of this Notice shall complete and file, within 30 days after the completion of the implementation of the plan, and in any event, no later than 30 days after the implementation date specified in paragraph 5 of this Notice, a *Declaration that a Pollution Prevention Plan Has Been Implemented* in the form attached. Forms for these declarations are also available from [***insert appropriate coordinates such as web address***].

9. *Filing of amended declaration:* Where a person has filed a declaration under paragraph 7 or 8 of this Notice, and the declaration contains information that, at any time after the filing, has become false or misleading, that person shall file an amended declaration to the Minister within 30 days after that time.

10. *Requirement to keep plan:* Every person identified in paragraph 1 of this Notice shall keep a copy of the plan at the place in Canada in relation to which the plan is prepared.

11. *Pre-existing plans:* Where a person uses a pollution prevention plan prepared for another purpose to meet the requirements of paragraphs 1 to 6 of this Notice, that person must submit a declaration of preparation under paragraph 7 of this Notice, a declaration of implementation under paragraph 8 of this Notice, any progress reports required under paragraph 15 of this Notice and any amended declarations under paragraph 10 of this Notice that are appropriate.

12. *Application for waiver of factors to consider:* Any person identified in paragraph 1 of this Notice may submit a *Request for Waiver of Factors to Consider* requesting the Minister to waive the requirement for that person to consider a factor specified in paragraph 3 of this Notice on the grounds that it would not be reasonable or practicable to do so. These forms are available from [***insert appropriate coordinates such as web address***].

13. *Extension of preparation date:* Where the Minister is of the opinion that further time is necessary to prepare the plan, the Minister may extend the period for preparing the plan for a person who submits a *Request for Extension of Time to Prepare a Pollution Prevention Plan* before the expiry of the date referred to in paragraph 4 of this Notice. These forms are available from [***insert appropriate coordinates such as web address***].

14. *Extension of implementation date:* Where the Minister is of the opinion that further time is necessary to implement the plan, the Minister may extend the period for implementing the plan for a person who submits a *Request for Extension of Time to Implement a Pollution Prevention Plan* before the expiry of the date referred to in paragraph 5 of this Notice. These forms are available from [***insert appropriate coordinates such as web address***].

15. *Other administrative matters:* [***include Interim Progress Reports – reference attached form – and any other information or requirements relevant to the administration of the Notice***].

16. *More information on pollution prevention planning:* Additional information and guidance on preparing pollution prevention plans may be obtained from the Canadian Pollution Prevention Information Clearinghouse (http://www.ec.gc.ca/cppic), from the CEPA Registry, from Environment Canada's regional offices and from the Canadian Centre for Pollution Prevention (http://www.c2p2online.com).

17. *Reference number:* for administrative purposes, all communication with Environment Canada concerning this Notice should refer to the following reference number: _____

Minister's name

APPENDIX 3: MODEL SECTION 56(5) REQUEST FOR WAIVER OF FACTORS TO CONSIDER SPECIFIED UNDER SECTION 56 OF CEPA 1999

Background

Subsection 56(5) of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) authorizes the Minister of the Environment to waive the requirement for a person to whom a subsection 56(1) Notice has been directed to consider a factor specified under paragraph 2(c) of that Notice where the Minister is of the opinion that it is not reasonable or practicable to consider the factor.

Public Posting

The Minister will post on the Green Lane and on the CEPA Registry all applications made under this section, together with the Minister's response.

Confidential Information

All persons submitting information to the Minister are entitled to submit a request under section 313 that specific information be treated as confidential.

The request for confidentiality must clearly identify the specific information for which a request is being made. The request must also be accompanied by any information prescribed by regulations promulgated under section 319 of CEPA 1999.

All such requests will be reviewed under the provisions of sections 315 to 321 of CEPA 1999 and section 20 of the *Access to Information Act*.

Necessary precautions should be taken when submitting information under Part 4 of CEPA 1999 for which a request for confidentiality is being made. These include, but are not limited to, the following:

- Confidential materials should be sent in double envelopes, excluding the courier outer envelope;
- The outside envelope should be unmarked except for mailing and return addresses, and postage; and
- The inside envelope should be stamped on both sides with wording such as "Contains Confidential Information."

Request for Waiver of Factors to Consider Specified under 56 of CEPA 1999

Date Submitted:_____

Note: This form presents a template of the range and type of information that may be required. The form will be modified as appropriate on a case-by-case basis.

Please refer to the sheet "Instruction for completing a Request for Waiver of Factors to Consider" for direction on how to complete this form.

1.0 Facility Information

Name of company: _____ Name of facility: _____

Address of facility: _____

City: _____ Province:_____ Postal Code:_____

(optional) Latitude:_____ Longitude:_____

Technical Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

Company Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

North American Industry Classification System (NAICS) Code: _____

Standard Industry Classification (SIC) Code: _____

2.0 CEPA 1999 Section 56 *Canada Gazette* Part 1 Notice

Date of the Notice: _____ Reference number of the Notice: _____

3.0 Factors for Which a Waiver is Requested

4.0 Rationale for Application

Explain why it would not be reasonable or practicable to consider the factors for which a waiver is requested.

Explain how consideration of the remaining factors will ensure that the resulting pollution prevention plan will satisfactorily address the substance or group of substances in relation to which the plan is to be prepared.

Optional: Explain what, if any, additional factors you propose to consider in preparing the plan.

5.0 Authorization

I have read this application, understand its contents and confirm that the information submitted is correct.

_____ _____

Signature Date

Name: _____

Title: _____

APPENDIX 4: MODEL SECTION 56(3) REQUEST FOR EXTENSION OF TIME TO PREPARE OR IMPLEMENT POLLUTION PREVENTION PLANS UNDER SECTION 56 OF CEPA 1999

Background

Paragraphs 56(2)(d) and (e) of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) authorize the Minister of the Environment to specify the period within which a pollution prevention plan is to be prepared and implemented, respectively. Section 56(3) authorizes the Minister of the Environment to extend these periods to where the Minister is of the opinion that further time is necessary.

Decisions concerning the number and length of exemptions will be made on a case-by-case basis.

Public Posting

The Minister will post on the Green Lane and on the CEPA Registry all applications made under this section, together with the Minister's response.

Confidential Information

All persons submitting information to the Minister are entitled to submit a request under section 313 that specific information be treated as confidential.

The request for confidentiality must clearly identify the specific information for which a request is being made. The request must also be accompanied by any information prescribed by regulations promulgated under section 319 of CEPA 1999.

All such requests will be reviewed under the provisions of sections 315 to 321 of CEPA 1999 and section 20 of the *Access to Information Act*.

Necessary precautions should be taken when submitting information under Part 4 of CEPA 1999 for which a request for confidentiality is being made. These include, but are not limited to, the following:

- Confidential materials should be sent in double envelopes, excluding the courier outer envelope;
- The outside envelope should be unmarked except for mailing and return addresses, and postage; and
- The inside envelope should be stamped on both sides with wording such as "Contains Confidential Information."

Request for Extension of Time to Prepare a Pollution Prevention Plan under Section 56 of CEPA 1999

Date Submitted:_____

Note: This form presents a template of the range and type of information that may be required. The form will be modified as appropriate on a case-by-case basis.

Please refer to the sheet "Instruction for completing a Request for Extension of Time to Prepare a Pollution Prevention Plan" for direction on how to complete this form.

1.0 Facility Information

Name of company: _____ Name of facility: _____

Address of facility: _____

City: _____ Province: _____ Postal Code: _____

(optional) Latitude: _____ Longitude: _____

Technical Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

Company Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

North American Industry Classification System (NAICS) Code: _____

Standard Industry Classification (SIC) Code: _____

2.0 CEPA 1999 Section 56 *Canada Gazette* Part 1 Notice

Date of the Notice: _____ Reference number of the Notice: _____

3.0 Request for Time Extension

It is requested that the date by which a P2 plan must be prepared as per the *Gazette* Notice identified in Part 2.0 above be extended to _____ for the facility identified in Part 1.0 above. It is understood that a declaration that the plan has been prepared and is being implemented must be submitted using the designated form within 30 days after this date.

4.0 Rationale for Application

Explain why further time is necessary to prepare the plan.

5.0 Authorization

I have read this application, understand its contents and confirm that the information submitted is correct.

_____ _____

Signature Date

Name: _____

Title: _____

Request for an Extension of Time to Implement a Pollution Prevention Plan under Section 56 of CEPA 1999

Declaration ID Number:_____ **Date Submitted:**_____

Note: This form presents a template of the range and type of information that may be required. The form will be modified as appropriate on a case-by-case basis.

Please refer to the sheet "Instruction for completing an Application for an Extension of Time to Implement a Pollution Prevention Plan" for direction on how to complete this form.

1.0 Facility Information

Name of company: _____ Name of facility: _____

Address of facility: _____

City: _____ Province:_____ Postal Code:_____

(optional) Latitude:_____ Longitude:_____

Technical Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

Company Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

North American Industry Classification System (NAICS) Code: _____

Standard Industry Classification (SIC) Code: _____

2.0 CEPA 1999 Section 56 *Canada Gazette* Part 1 Notice

Date of the Notice: _____ Reference number of the Notice: _____

3.0 Request for Time Extension

It is requested that the date by which a P2 plan must be implemented as per the *Gazette* Notice identified in Part 2.0 above be extended to _____ for the facility identified in Part 1.0 above. It is understood that a declaration that the plan has been implemented must be submitted using the designated form within 30 days after this date.

4.0 Rationale for Application

Explain why further time is necessary to implement the plan.

5.0 Impact of the Time Extension on the Factors to be Considered

Describe the anticipated impact of the requested time extension on the environment, addressing specifically any relevant factors to be considered identified in the section 56 Notice.

6.0 Authorization

I have read this application, understand its contents and confirm that the information submitted is correct.

_____ _____

Signature Date

Name: _____

Title: _____

APPENDIX 5: MODEL SECTION 58 DECLARATIONS

Background

Persons required to prepare a P2 plan must submit two types of declarations to the Minister:

- ***Declaration of Preparation***: within 30 days after the end of the period provided to prepare the plan, a declaration indicating that the plan has been prepared and is being implemented; and

- ***Declaration of Implementation***: within 30 days after the end of the period provided to implement the plan, a declaration indicating that the implementation of the plan has been completed.

In addition, if any of the information contained in either of these declarations subsequently becomes false or misleading, an ***amended declaration*** must be filed within 30 days after that time. This requirement would apply, for example, where the person learns that the anticipated results or timelines identified in the Declaration of Preparation are inaccurate.

In some cases, the Minister will also require ***interim progress reports*** (see Appendix 6).

Persons wishing to use a P2 plan prepared for another purpose will be required to submit both section 58 declarations and any interim progress reports requested.

These documents are required for the purpose of enabling the Minister to evaluate the extent to which P2 plans are contributing to the achievement of the risk management objectives for the reduction of risks to the environment and human health from the CEPA-toxic substances.

These forms present an example of the range and type of information that may be required to be provided in s.58 declarations of preparation.

These forms will be modified, as appropriate, on a case-by-case basis, to ensure that information relevant to the management of risks from the CEPA-toxic substance(s) in question is gathered. This form may be modified based on the nature of the CEPA-toxic substance(s) in question (industrial release or commercial product), and the federal government's risk management objective for that/those substance(s) (e.g., use or release reduction).

Public Posting

The Minister will post on the Green Lane and on the CEPA Registry all declarations submitted to the Minister.

Confidential Information

In most cases, affected persons should be able to provide the information requested in the declarations without divulging confidential information.

All persons submitting information to the Minister are entitled to submit a request under section 313 that specific information be treated as confidential.

The request for confidentiality must clearly identify the specific information for which a request is being made. The request must also be accompanied by any information prescribed by regulations promulgated under section 319 of CEPA 1999.

All such requests will be reviewed under the provisions of sections 315 to 321 of CEPA 1999 and section 20 of the *Access to Information Act*.

Necessary precautions should be taken when submitting information under Part 4 of CEPA 1999 for which a request for confidentiality is being made. These include, but are not limited to, the following:

- Confidential materials should be sent in double envelopes, excluding the courier outer envelope;
- The outside envelope should be unmarked except for mailing and return addresses, and postage; and
- The inside envelope should be stamped on both sides with wording such as "Contains Confidential Information."

CEPA 1999 Section 58 Declaration that a Pollution Prevention Plan has been Prepared and is Being Implemented

Date Submitted:_____

Note: This form presents a template of the range and type of information that may be required. The form will be modified as appropriate on a case-by-case basis.

Please refer to the sheet "Instruction for completing a CEPA 1999 Section 58 Declaration That a Pollution Prevention Plan Has Been Prepared and Is Being Implemented" for direction on how to complete this form.

1.0 Facility Information

Name of company: _____ Name of facility: _____

Address of facility: _____

City:_____ Province:_____ Postal Code:_____

(optional) Latitude:_____ Longitude:_____

Technical Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

Company Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

North American Industry Classification System (NAICS) Code: _____

Standard Industry Classification (SIC) Code: _____

2.0 CEPA 1999 Section 56 *Canada Gazette* Part 1 Notice

Date of the Notice: _____ Reference number of the Notice: _____

If there is more than one substance identified in the Notice, Parts 3.0 through 8.0 of this declaration must be completed separately for each substance.

The following section (Parts 3.0 through 8.0) must be completed separately for each substance identified in the Gazette *Notice.*

3.0 Substance in the Notice

Substance identified in the *Gazette* Notice for which the following information applies:_____ CAS number:_____

If the *Gazette* Notice makes reference to a threshold value, are the emissions/productions/uses of the substance by this facility less than the threshold described in the Notice? Yes No
If yes, complete only Parts 1.0, 2.0, 3.0, and 11.0 of this declaration.

4.0 Amendments

Is this an amendment to a declaration previously submitted? Yes No

If yes, provide the Declaration ID number: _____ . Then complete Parts 1.0, 2.0, 3.0, 11.0, and any other parts where previously reported information has become false or misleading. Previously reported information that is unchanged need not be resubmitted.

5.0 Use of Prior Plans

Are you using a P2 plan that was previously prepared on a voluntary basis? Yes No

Are you using a P2 plan that was previously prepared pursuant to some other legal requirement? Yes No
If yes, identify the legal requirement (*e.g.*, court order under s.291(1)(c) of CEPA 1999, City of Toronto Sewer Use By-law):

_____

_____

6.0 Baseline Information Prior to Implementation of P2 Plan

Do you currently report the substance identified in Part 3.0 to the NPRI? Yes No
If yes, indicate your NPRI Identification number: _____

6.1 *Nature of Activities*

Indicate whether your facility manufactures, processes, distributes, or otherwise uses the substance identified in Part 3.0, briefly describing the nature of such activities. For by-products, identify the substances that are the source of the by-product. More than one activity may be identified.

Manufacture: For on-site processing ; For sale/distribution ; As a by-product ; As an impurity
Description:_____

Process: As a reactant ; As a formulation component ; As an article component ; Repackaging only ; As a by-product
Description: _____

Distribution: Sold or distributed on its own ; As a chemical or compound ; Sold or distributed as part of a product
Description: _____

Other Use: As a physical or chemical processing aid ; As a manufacturing aid ; Ancillary or other use ; As a by-product
Description: _____

6.2 *On-Site Releases*

Do you release the substance identified in Part 3.0 on-site? Yes No
If yes, report below all on-site releases of the substance, regardless of concentration or amount. Report in the units (*e.g.*, metric tonnes) and for the time period specified (*to be determined on a case-by-case basis).*

6.2.1 Air Releases:

Report all air emissions of the substance, indicating stack or point releases , storage or handling releases , fugitive releases , spills , use-related releases , and other non-point releases . Include both routine releases and accidental or non-routine releases.

TOTAL AIR RELEASES _____ **(A)**

6.2.2 Underground Injection:

Report the quantity of the substance injected on site.

TOTAL UNDERGROUND INJECTION _____ **(B)**

6.2.3 Releases to Surface Waters:

Report all releases of the substance to surface waters, indicating direct discharges , spills , leaks , use-related releases , and other releases to surface water .

TOTAL RELEASES TO SURFACE WATER _____ **(C)**

6.2.4 Releases to Land:

Report all releases of the substance to land *within* the boundaries of your facility indicating landfill , land treatment , spills , leaks , use-related releases , and other releases to land . Do not report land disposal at off-site locations. Transfers of the substance for disposal off-site are reported in Part 6.3.

TOTAL RELEASES TO LAND _____ **(D)**

6.2.5 **TOTAL QUANTITY RELEASED ON-SITE**: A+B+C+D= _____ **(E)**

6.3 *Off-Site Transfers*

Off-site transfers include three activities: product distribution, recycling, and disposal.

- "Product Distribution" refers to activities that result in the substance identified in Part 3.0 being sold or distributed on its own or as part of a product to persons other than the facility or company submitting this report.
- "Recycling" refers to activities that keep a material containing the substance identified in Part 3.0 from becoming a waste destined for final disposal.
- "Disposal" is final disposal (*e.g.*, landfill) of the substance identified in Part 3.0, or storage and treatment (*e.g.*, stabilization) prior to final disposal.

6.3.1 Product Distribution

For all quantities of the substance identified in Part 3.0 that are distributed off-site, use the table below to report:

- The quantity distributed as a chemical or a compound on its own (using the units and time period specified);
- The quantity distributed as part of a product (using the units and time period specified);
- The anticipated use of the substance (for the time period specified);
- The anticipated method by which the substance, compound, or product will be disposed of, if known (for the time period specified).

Do not report materials containing the substance that are transferred off-site for disposal or recycled off-site; they are reported in Parts 6.3.2 and 6.3.3.

Method of distribution	Quantity of substance identified in Part 3.0	Anticipated use	Anticipated disposal method
Distributed as a chemical or a compound			
Distributed as part of a product			
TOTAL DISTRIBUTED OFF-SITE (F)			

6.3.2 Off-site transfers for disposal

Report the quantity of the substance that is transferred to off-site locations for final disposal or storage and treatment prior to final disposal using the units and time period specified. Report only the net mass of the substance that is sent to an off-site treatment facility, not the total mass of the mixture containing the substance. Report transfers to the first off-site location only. Do not report any subsequent transfers by the waste disposal company. Do not report materials containing the substance that are recycled off-site; these are reported in Part 6.3.3.

TOTAL SUBSTANCE DISPOSED OFF-SITE _____ **(G)**

6.3.3 Off-site transfers for recycling

Report the quantity of the substance that is transferred to off-site locations for recycling using the units and time period specified. Report only the net mass of the substance that is transferred off-site for recycling, not the total amount of the mixture containing the substance.

TOTAL SUBSTANCE RECYCLED OFF-SITE _____ **(H)**

6.4 *Additional Baseline Information*

Describe any additional baseline information required by the Notice (*e.g., existing pollution prevention control equipment and measures).*

7.0 Anticipated Results, Timelines and Methods

In the table below, describe the anticipated actions to be taken in implementing the P2 plan, and the corresponding predicted reductions of releases or transfers of the substance identified in Part 3.0. Report such reductions relative to the specific components of the baseline data described in Part 6.0, using the units specified. The planned completion date (column E) for anticipated reductions should be before the time specified in the Notice regarding the period within which the plan is to be implemented.

In Column B below, select from the following list when indicating what P2 method(s) are anticipated.

- *Materials or feedstock substitution*
- *Product design or reformulation*
- *Equipment or process modifications*
- *Spill and leak prevention*
- *Improved purchasing techniques*
- *On-site re-use, recycling or recovery*
- *Improved inventory management*
- *Good operating practices or training*
- *Other*

In Column C below, select from the following list when indicating what other environmental protection method(s) are anticipated.

- *Energy recovery*
- *Off-site recycling*
- *Incineration with energy recovery*
- *Waste treatment*
- *Pollution control*
- *Safe disposal*
- *Other*

A. Anticipated action to achieve reduction	B. P2 method(s) (where applicable)	C. Other environmental protection method(s) (where applicable)	D. Predicted reduction (relative to baseline)	E. Planned completion date

For each of the following, indicate if the amount reflects an increase or reduction for the substance identified in Part 3.0.

7.1 Total anticipated change to on-site releases: _____
7.2 Total anticipated change to off-site product distribution: _____
7.3 Total anticipated change to off-site transfer for disposal: _____
7.4 Total anticipated change to off-site transfer for recycling: _____

8.0 Monitoring and Reporting

Briefly describe the indicators chosen to assess progress, the monitoring plan (including the frequency), and the reporting components of the pollution prevention plan in relation to the substance identified in Part 3.0.

This ends the section (Parts 3.0 through 8.0) to be completed separately for each substance identified in the Gazette *Notice.*

9.0 Factors to Consider

Describe how the pollution prevention plan takes into account the factors to be considered outlined. If some factors were not considered, explain why.

10.0 Risk Management Objective

Describe how the plan outlined in this declaration meets the risk management objective(s) identified in the *Gazette* Notice, addressing each substance identified in the Notice separately. If this plan does not meet the risk management objective(s), explain why.

11.0 Authorization

I have read this declaration, understand its contents and confirm that the information submitted is correct.

_____ _____
Signature Date

Name: _____

Title: _____

CEPA 1999 Section 58 Declaration that a Pollution Prevention Plan has been Implemented

Declaration ID Number:_____ **Date Submitted:**_____

Note: This form presents a template of the range and type of information that may be required. The form will be modified as appropriate on a case-by-case basis.

Please refer to the sheet "Instruction for completing a CEPA 1999 Section 58 Declaration That a Pollution Prevention Plan Has Been Implemented" for direction on how to complete this form.

1.0 Facility Information

Name of company: _____ Name of facility: _____

Address of facility: _____

City:_____ Province:_____ Postal Code:_____

(optional) Latitude:_____ Longitude:_____

Technical Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

Company Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

North American Industry Classification System (NAICS) Code: _____

Standard Industry Classification (SIC) Code: _____

2.0 CEPA 1999 Section 56 *Canada Gazette* Part 1 Notice

Date of Notice: _____ Reference number of the Notice: _____

If there is more than one substance identified in the Notice, Parts 3.0 through 7.0 of this declaration must be completed separately for each substance.

The following section (Parts 3.0 through 7.0) must be completed separately for each substance identified in the Gazette *Notice*

3.0 Substance in the Notice

Substance identified in the *Gazette* Notice for which the following information applies:_____ CAS number:_____

If the *Gazette* Notice makes reference to a threshold value, are the emissions/productions/uses of the substance by this facility less than the threshold described in the Notice? Yes No
If yes, complete only Parts 1.0, 2.0, 3.0, and 8.0 of this declaration.

4.0 Amendments

Is this an amendment to a declaration previously submitted? Yes No

If yes, provide the Declaration ID number: _____. Then complete Parts 1.0, 2.0, 3.0, 8.0 and any other parts where previously reported information has become false or misleading. Previously reported Information that is unchanged need not be resubmitted.

5.0 Baseline Information After Implementing P2 Plan

Do you currently report the substance identified in Part 3.0 to the NPRI? Yes No
If yes, indicate your NPRI Identification number: _____

5.1 *Nature of Activities*

Indicate whether your facility manufactures, processes, distributes, or otherwise uses the substance identified in Part 3.0, briefly describing the nature of such activities. For by-products, identify the substances that are the source of the by-product. More than one activity may be identified.

Manufacture: For on-site processing ; For sale/distribution ; As a by-product ; As an impurity
Description: _____

Process: As a reactant ; As a formulation component ; As an article component ; Repackaging only ; As a by-product
Description: _____

Distribution: Sold or distributed on its own ; As a chemical or compound ; Sold or distributed as part of a product
Description: _____

Other Use: As a physical or chemical processing aid ; As a manufacturing aid ; Ancillary or other use ;
As a by-product
Description: _____

5.2 *On-Site Releases*

Do you release the substance identified in Part 3.0 on site? Yes No
If yes, report below all on-site releases of the substance, regardless of concentration or amount. Report in the units (*e.g.*, metric tonnes) and for the time period specified (*to be determined on a case by case basis).*

5.2.1 Air Releases:

Report all air emissions of the substance, indicating stack or point releases , storage or handling releases , fugitive releases , spills , use-related releases , and other non-point releases . Include both routine releases and accidental or non-routine releases.

TOTAL AIR RELEASES _____ **(A)**

5.2.2 Underground Injection:

Report the quantity of the substance injected on site.

TOTAL UNDERGROUND INJECTION _____ **(B)**

5.2.3 Releases to Surface Waters:

Report all releases of the substance to surface waters, indicating direct discharges , spills , leaks , use-related releases , and other releases to surface water .

TOTAL RELEASES TO SURFACE WATER _____ **(C)**

5.2.4 Releases to Land:

Report all releases of the substance to land *within* the boundaries of your facility indicating landfill , land treatment , spills , leaks , use-related releases , and other releases to land . Do not report land disposal at off-site locations. Transfers of the substance for disposal off-site are reported in Part 5.3.

TOTAL RELEASES TO LAND _____ **(D)**

5.2.5 TOTAL QUANTITY RELEASED ON-SITE: A+B+C+D=_____**(E)**

5.3 *Off-Site Transfers*

Off-site transfers include three activities: product distribution, recycling, and disposal.

- "Product Distribution" refers to activities that result in the substance identified in Part 3.0 being sold or distributed on its own or as part of a product to persons other than the facility or company submitting this report.
- "Recycling" refers to activities that keep a material containing the substance identified in Part 3.0 from becoming a waste destined for final disposal.
- "Disposal" is final disposal (*e.g.*, landfill) of the substance identified in Part 3.0, or storage and treatment (*e.g.*, stabilization) prior to final disposal.

5.3.1 Product Distribution

For all quantities of the substance identified in Part 3.0 that are distributed off-site, use the table below to report:
- The quantity distributed as a chemical or a compound on its own (using the units and time period specified);
- The quantity distributed as part of a product (using the units and time period specified);
- The anticipated use of the substance (for the time period specified);
- The anticipated method by which the substance, compound, or product will be disposed of, if known (for the time period specified).

Do not report materials containing the substance that are transferred off-site for disposal or recycled off-site; they are reported in Parts 5.3.2 and 5.3.3.

Method of distribution	Quantity of substance identified in Part 3.0	Anticipated use	Anticipated disposal method
Distributed as a chemical or a compound			
Distributed as part of a product			
TOTAL DISTRIBUTED OFF-SITE (F)			

5.3.2 Off-site transfers for disposal

Report the quantity of the substance that is transferred to off-site locations for final disposal or storage and treatment prior to final disposal using the units and time period specified. Report only the net mass of the substance that is sent to an off-site treatment facility, not the total mass of the mixture containing the substance. Report transfers to the first off-site location only. Do not report any subsequent transfers by the waste disposal company. Do not report materials containing the substance that are recycled off-site; these are reported in Part 5.3.3.

TOTAL SUBSTANCE DISPOSED OFF-SITE _____ (G)

5.3.3 Off-site transfers for recycling

Report the quantity of the substance that is transferred to off-site locations for recycling using the units and time period specified. Report only the net mass of the substance that is transferred off-site for recycling, not the total amount of the mixture containing the substance.

TOTAL SUBSTANCE RECYCLED OFF-SITE _____ (H)

5.4 *Additional Baseline Information*

Describe any additional baseline information required by the Notice.

6.0 Results Achieved and Methods Used

In the table below, describe the actions taken in implementing the P2 plan, the corresponding reductions of releases or transfers of the substance identified in Part 3.0, and the method used to achieve those results. Report such reductions as they relate to the specific components of the baseline data described in Part 5.0, using the units specified.

In Column B below, select from the following list when indicating P2 method(s) used.

- *Materials or feedstock substitution*
- *Product design or reformulation*
- *Equipment or process modifications*
- *Spill and leak prevention*
- *Improved purchasing techniques*
- *On-site re-use, recycling or recovery*
- *Improved inventory management*
- *Good operating practices or training*
- *Other*

In Column C below, select from the following list when indicating other environmental protection method(s) used.

- *Energy recovery*
- *Off-site recycling*
- *Incineration with energy recovery*
- *Waste treatment*
- *Pollution control*
- *Safe disposal*
- *Other*

A. Activity implemented	B. P2 method(s) (where applicable)	C. Other environmental protection method(s) (where applicable)	D. Reduction achieved	E. Date completed

For each of the following, indicate if the amount reflects an increase or reduction for the substance identified in Part 3.0.

6.1 Total change to on-site releases:_____
6.2 Total change to off-site product distribution: _____
6.3 Total change to off-site transfer for disposal: _____
6.4 Total change to off-site transfer for recycling: _____

6.5 Where the results, timelines, and methods are different than the anticipated results described in Part 7.0 of the "CEPA 1999 Section 58 Declaration That a P2 Plan Has Been Prepared and Is Being Implemented" and any amendments, briefly explain why:

7.0 Monitoring and Reporting

Briefly describe the monitoring and reporting components of the pollution prevention plan that have been implemented, i.e., how progress with the plan is measured, tracked, reported and evaluated, in relation to the substance identified in Part 3.0. Where these differ from the monitoring and reporting components anticipated in Part 8.0 of the previous declaration, the "CEPA 1999 Section 58 Declaration That a P2 Plan Has Been Prepared and Is Being Implemented" and any amendments, describe the difference.

This ends the section (Parts 3.0 through 7.0) to be completed separately for each substance identified in the Gazette *Notice.*

8.0 Authorization

I have read this declaration, understand its contents and confirm that the information submitted is correct.

_____ _____
Signature Date

Name: _____

Title: _____

APPENDIX 6: MODEL INTERIM PROGRESS REPORTS

Background

In some cases, the Minister may require interim progress reports on a regular basis (e.g., each year) under section 56(2)(f). The purpose of these reports is to inform the Minister about the progress affected persons are making under their plans on a regular basis.

Examples of instances where interim progress reports may be required include cases where:

- a long period of time is granted for the implementation of P2 plans;
- the CEPA-toxic substance for which P2 plans are being prepared and implemented is not listed on the NPRI; and/or
- the reporting threshold to trigger the preparation and implementation of P2 plans is lower than the reporting threshold for the NPRI.

The precise schedule for and content of these reports will be specified in the section 56 Notice.

This form presents an example of the range and type of information that may be required to be provided in interim progress reports. This form will be modified, as appropriate, on a case-by-case basis, to ensure that information relevant to the management of risks from the CEPA-toxic substance(s) in question is gathered.

Public Posting

The Minister will post on the Green Lane and on the CEPA Registry all interim progress reports submitted to the Minister.

Confidential Information

In most cases, affected persons should be able to provide the information requested in the interim progress reports without divulging confidential information.

All persons submitting information to the Minister are entitled to submit a request under section 313 that specific information be treated as confidential.

The request for confidentiality must clearly identify the specific information for which a request is being made. The request must also be accompanied by any information prescribed by regulations promulgated under section 319 of CEPA 1999.

All such requests will be reviewed under the provisions of sections 315 to 321 of CEPA 1999 and section 20 of the *Access to Information Act*.

Necessary precautions should be taken when submitting information under Part 4 of CEPA 1999 for which a request for confidentiality is being made. These include, but are not limited to, the following:

- Confidential materials should be sent in double envelopes, excluding the courier outer envelope;
- The outside envelope should be unmarked except for mailing and return addresses, and postage; and
- The inside envelope should be stamped on both sides with wording such as "Contains Confidential Information."

Interim Progress Report

Declaration ID Number:_____ **Date Submitted:**_____

Note: This form presents a template of the range and type of information that may be required. The form will be modified as appropriate on a case-by-case basis.

Please refer to the sheet "Instruction for completing an Interim Progress Report" for direction on how to complete this form.

1.0 Facility Information

Name of company: _____ Name of facility: _____

Address of facility: _____

City: _____ Province: _____ Postal Code: _____

(optional) Latitude: _____ Longitude: _____

Technical Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

Company Contact: _____ Phone number: _____ Fax number: _____ e-mail: _____

North American Industry Classification System (NAICS) Code: _____

Standard Industry Classification (SIC) Code: _____

2.0 CEPA 1999 Section 56 *Canada Gazette* Part 1 Notice

Date of the Notice: _____ Reference number of the Notice: _____

If there is more than one substance identified in the Notice, Parts 3.0 through 7.0 of this report must be completed separately for each substance.

The following section (Parts 3.0 through 7.0) must be completed separately for each substance identified in the Gazette *Notice.*

3.0 Substance in the Notice

Substance identified in the *Gazette* Notice for which the following information applies: _____ CAS number: _____

If the *Gazette* Notice makes reference to a threshold value, are the emissions/productions/uses of the substance by this facility less than the threshold described in the Notice? Yes No
If yes, complete only Parts 1.0, 2.0, 3.0, and 8.0 of this declaration.

4.0 Amendments

Is this an amendment to a report previously submitted? Yes No

If yes, provide the Declaration ID number: _____. Then complete Parts 1.0, 2.0, 3.0, 8.0, and any other parts where previously reported information has become false or misleading. Previously reported information that is unchanged need not be resubmitted.

5.0 Baseline Information During Implementation of P2 Plan

Do you currently report the substance identified in Part 3.0 to the NPRI? Yes No
If yes, indicate your NPRI Identification number: _____

5.1 *Nature of Activities*

Indicate whether your facility manufactures, processes, distributes, or otherwise uses the substance identified in Part 3.0, briefly describing the nature of such activities. For by-products, identify the substances that are the source of the by-product. More than one activity may be identified.

Manufacture: For on-site processing ; For sale/distribution ; As a by-product ; As an impurity
Description: _____

Process: As a reactant ; As a formulation component ; As an article component ; Repackaging only ; As a by-product
Description: _____

Distribution: Sold or distributed on its own ; As a chemical or compound ; Sold or distributed as part of a product
Description: _____

Other Use: As a physical or chemical processing aid ; As a manufacturing aid ; Ancillary or other use ;
As a by-product
Description: _____

5.2 *On-Site Releases*

Do you release the substance identified in Part 3.0 on site? Yes No
If yes, report below all on-site releases of the substance, regardless of concentration or amount. Report in the units (*e.g.*, metric tonnes) and for the time period specified (*to be determined on a case by case basis).*

5.2.1 Air Releases:

Report all air emissions of the substance, indicating stack or point releases , storage or handling releases , fugitive releases , spills , use-related releases , and other non-point releases . Include both routine releases and accidental or non-routine releases.

TOTAL AIR RELEASES _____ **(A)**

5.2.2 Underground Injection:

Report the quantity of the substance injected on site.

TOTAL UNDERGROUND INJECTION _____ **(B)**

5.2.3 Releases to Surface Waters:

Report all releases of the substance to surface waters, indicating direct discharges , spills , leaks , use-related releases , and other releases to surface water .

TOTAL RELEASES TO SURFACE WATER _____ **(C)**

5.2.4 Releases to Land:

Report all releases of the substance to land *within* the boundaries of your facility indicating landfill , land treatment , spills , leaks , use-related releases , and other releases to land . Do not report land disposal at off-site locations. Transfers of the substance for disposal off-site are reported in Part 5.3.

TOTAL RELEASES TO LAND _____ **(D)**

5.2.5 TOTAL QUANTITY RELEASED ON-SITE: A+B+C+D=_____**(E)**

5.3 *Off-Site Transfers*

Off-site transfers include three activities: product distribution, recycling, and disposal.

- "Product Distribution" refers to activities that result in the substance identified in Part 3.0 being sold or distributed on its own or as part of a product to persons other than the facility or company submitting this report.
- "Recycling" refers to activities that keep a material containing the substance identified in Part 3.0 from becoming a waste destined for final disposal.
- "Disposal" is final disposal (*e.g.*, landfill) of the substance identified in Part 3.0, or storage and treatment (*e g.*, stabilization) prior to final disposal.

5.3.1 Product Distribution

For all quantities of the substance identified in Part 3.0 that are distributed off-site, use the table below to report:
- The quantity distributed as a chemical or a compound on its own (using the units and time period specified);
- The quantity distributed as part of a product (using the units and time period specified);
- The anticipated use of the substance (for the time period specified);
- The anticipated method by which the substance, compound, or product will be disposed of, if known (for the time period specified).

Do not report materials containing the substance that are transferred off-site for disposal or recycled off-site; they are reported in Parts 5.3.2 and 5.3.3.

Method of distribution	Quantity of substance identified in Part 3.0	Anticipated use	Anticipated disposal method
Distributed as a chemical or a compound			
Distributed as part of a product			
TOTAL DISTRIBUTED OFF-SITE (F)			

5.3.2 Off-site transfers for disposal

Report the quantity of the substance that is transferred to off-site locations for final disposal or storage and treatment prior to final disposal using the units and time period specified. Report only the net mass of the substance that is sent to an off-site treatment facility, not the total mass of the mixture containing the substance. Report transfers to the first off-site location only. Do not report any subsequent transfers by the waste disposal company. Do not report materials containing the substance that are recycled off-site; these are reported in Part 5.3.3.

TOTAL SUBSTANCE DISPOSED OFF-SITE _____ (G)

5.3.3 Off-site transfers for recycling

Report the quantity of the substance that is transferred to off-site locations for recycling using the units and time period specified. Report only the net mass of the substance that is transferred off-site for recycling, not the total amount of the mixture containing the substance.

TOTAL SUBSTANCE RECYCLED OFF-SITE _____ (H)

5.4 *Additional Baseline Information*

Describe any additional baseline information required by the Notice.

6.0 Results Achieved to Date and Methods Used

In the table below, describe the actions taken to date in implementing the P2 plan, the corresponding reductions of releases or transfers of the substance identified in Part 3.0, and the method used to achieve those results. Report such reductions as they relate to the specific components of the baseline data described in Part 5.0, using the units specified.

In Column B below, select from the following list when indicating P2 method(s) used.

- *Materials or feedstock substitution*
- *Product design or reformulation*
- *Equipment or process modifications*
- *Spill and leak prevention*
- *Improved purchasing techniques*
- *On-site re-use, recycling or recovery*
- *Improved inventory management*
- *Good operating practices or training*
- *Other*

In Column C below, select from the following list when indicating other environmental protection method(s) used.

- *Energy recovery*
- *Off-site recycling*
- *Incineration with energy recovery*
- *Waste treatment*
- *Pollution control*
- *Safe disposal*
- *Other*

A. Action implemented	B. P2 method(s) (where applicable)	Other environmental protection method(s) (where possible)	D. Reduction achieved	E. Date completed

For each of the following, indicate if the amount reflects an increase or reduction for the substance identified in Part 3.0.

6.1 **Total change to on-site releases to date:**_____

6.2 **Total change to off-site product distribution to date:** _____

6.3 **Total change to off-site transfer for disposal to date:** _____

6.4 **Total change to off-site transfer for recycling to date:** _____

6.5 Where the results, timelines, and methods are different than the anticipated results described in Part 7.0 of the "CEPA 1999 Section 58 Declaration That a P2 Plan Has Been Prepared and Is Being Implemented" and any amendments, briefly explain why:

7.0 Monitoring and Reporting

Briefly describe the monitoring and reporting components of the pollution prevention plan that have been implemented, i.e., how progress with the plan is measured, tracked, reported and evaluated, in relation to the substance identified in Part 3.0. Where these differ from the monitoring and reporting components anticipated in Part 8.0 of the previous declaration, the "CEPA 1999 Section 58 Declaration That a P2 Plan Has Been Prepared and Is Being Implemented" and any amendments, describe the difference.

This ends the section (Parts 3.0 through 7.0) to be completed separately for each substance identified in the Gazette *Notice.*

8.0 Authorization

I have read this report, understand its contents and confirm that the information submitted is correct.

_____ _____

Signature Date

Name: _____

Title: _____